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# Injunction sought to halt arms shipment

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Citing "contemptuous disregard for the law shown by the Department of Defense," a group of United States Congressmen and North Carolina taxpayers are seeking an injunction which would stop all arms shipments from the Military Ocean Terminal at Sunny Point (MOTSU) to Southeast Asia.

The 11 page complaint, which was filed in U.S. District Court in Wilmington on Wednesday morning names Reps. Michael Harrington (R-Mass.), Bella Abzug (D-N.Y.), Parren Mitchell (D-Md.), and Ronald Dellums (D-Calif.), as plaintiffs. It lists the nation's top military leaders as defendants—among them James Schlesinger, Secretary of Defense and William Colby, director of the Central Intelligence Agency.

At issue in the action are public laws 93-50 and 93-52, both of which cut off further expenditures for "combat activities" by U.S. troops in, over, or off the shores of North and South Vietnam, Laos, and Cambodia after Aug. 16.

The congressmen, along with 17 North Carolina citizens, are contending that shipments of military ordinance from the MOTSU base, located about five miles from Southport on Highway 133, are either "direct or indirect" violations of the law and are doing "irreparable damage" to taxpayers.

Specifically, the complaint alleges that the U. S. has remained in the war in Southeast Asia by using mercenaries who are paid by and act under the supervision of the CIA.

Information contained in the complaint indicates that the Senate Foreign Relations Committee was told in April that these mercenaries had been formed into a counter-terror group which was responsible for the "assassination of Vietcong officials."

The complaint also states that Colby, testifying before the House Subcommittee on Government Operations in 1971, said more than 20,000 people had been killed under a covert operation known as the Phoenix Program.

The plaintiffs contend that, although the Phoenix Program has been officially discontinued, the same operation continues to function by "masquerading under a new name."

Specifically, the plaintiffs are asking the court to issue preliminary and permanent injunctions enjoining:

—Further military shipments from the MOTSU base to Southeast Asia.

—Continued use of U.S. military forces to support combat

activities in Southeast Asia.

—Continued expenditures of public funds — either directly or indirectly — to finance combat activities in, over, or off the shores of any of those countries.

The complaint also asks that the court maintain jurisdiction indefinitely and "require the defendants to report at regular intervals...as to their compliances."

Col. Jerry C. Murphy, deputy commander of the MOTSU base, responded to the complaint by saying "we have not shipped any ammunition to Southeast Asia since before the Aug. 15 termination date."

Murphy predicted the effect of an injunction would be "minimal."

"They're about two years too late," he said.

Mrs. Deborah G. Mailman, one of four attorneys representing the MOTSU Project requesting the termination of munitions shipping, said that her organization had received information that ammunition shipping had continued after the cutoff date.

"The war is not over," said Mrs. Mailman. "It's just been made invisible."

Mrs. Mailman explained that a MOTSU representative, Joseph Voik, had received information from the public information director at Sunny Point, Russell P. Hewlett, that arms were continuing to be shipped to Southeast Asia on Aug. 17 — two days after the cutoff.

The MOTSU Project is a coalition of peace groups in North Carolina. Mr. Mailman said the organization had been actually formed to increase public awareness of operations at the terminal.

Jack B. Crawley, Assistant U.S. Attorney, among those to represent the government in the injunction, said he and U.S. Attorney Thomas MacNamara had just read the complaint.

"Of course we oppose it," said Crawley. "We've just read the complaint and will now begin the preparation of our case."

The government has 60 days to respond to the complaint.

While the government has made no official reply to the complaint, an attached letter written by Frank A. Bartimo, acting general counsel for the defense department, stated that the public laws cited "do not preclude the shipment of ordinance."

"It is perfectly proper to do so, so long as such ordinance is not used (by U.S. Forces) in combat activities," wrote Bartimo.